

Customer No.: 31561
Application No.: 10/711,544
Docket No.: 13529-US-PA

REMARKS

This is a full and timely response to the outstanding final Office Action mailed Dec. 15, 2006.

Applicant has amended claims 1, and 3-7 for better defining the claimed subject matter therein without entering any new matter. Such an amendment is believed to necessitate no new search and raise no new issue. Claims 21 and 22 are newly added hereby, support for which can be found throughout the specification and drawings. Entering of the amendment is respectfully solicited.

Claim Rejections – 35 U.S.C. §102

Claims 1, 4, 5, and 7 were rejected under 35 U.S.C. 102(e) as being anticipated by Urabe (2004/0090175).

In rejecting claim 1, the Examiner contended that “the claim limitation of the first, the second and the third cathode patterns being electrically connected to different operation voltages is drawn to a functional claim limitation which is incidental to the claimed apparatus”, and thus alleged “a claimed apparatus cannot be distinguished over the prior art over the prior art by a functional claim limitation”. Applicants respectfully disagree.

It has been held that “[A] functional limitation is an attempt to define something by what it does, rather than by what it is (e.g., as evidenced by its specific structure or specific ingredients)”. See MPEP §2173.05(g).

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As previously presented the limitation discussed above that is "the first, the second and the third cathode pattern are electrically connected to different operation voltages" is apparently attempt to define the claimed invention by what it is, in that the specific structure is defined as electrical connections between different elements.

In order to define more clearly and more undoubtedly the claimed invention, Applicants have amended claim 1 as having the form of "wherein the first cathode pattern is electrically connected to a first voltage, the second cathode pattern is electrically connected to a second voltage, the third cathode pattern is electrically connected to a third voltage, and the first voltage, the second voltage and the third voltage are different from each other". As such, as currently amended, Applicants submit that claim 1, as currently amended contain the limitation that is neither taught, disclosed, nor suggested by Urabe, or any of the other cited references, taken alone or in combination, and thus should be allowed. Particularly, such a limitation defines the structure of the claimed invention and should not be construed as a functional limitation.

As such, claim 1 and its dependent claims 4, 5, 7, and 8 are submitted to be novel and unobvious over Urabe, or any of the other cited references, taken alone or in combination, and thus should be allowed.

Claim Rejections – 35 U.S.C. §103

Claim 3 was rejected under 35 U.S.C. 103(a) as being unpatentable over Urabe in view of Kabayashi (US 2005/0099118).

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In response thereto, Applicants have amended claim 3, and hereby otherwise traverse the rejection, and submit that claim 3 is novel and unobvious over Urabe, Kabayashi, or any of the other cited references, taken alone or in combination, and thus should be allowed.

Claim 3, as currently amended, recites the limitation of "the display panel of claim 1, further comprising a first, second and third cathode lines electrically connected to the first, the second and the third cathode patterns respectively".

It was stated in Paragraph [0027] of the originally filed specification, as followed:

"[T]hrough the first cathode pattern 142, the second cathode pattern 144 and the third cathode pattern 146, a different operating voltage is provided to each of the first organic light-emitting pattern 132, the second organic light-emitting pattern 134 and the third organic light-emitting pattern 136. Hence, the difference in light-emitting efficiency and brightness level attenuation due to the variability of organic material properties is greatly reduced and the AMOELD panel 100 can have a more uniform brightness level."

By the feature that "a first, second and third cathode lines electrically connected to the first, the second and the third cathode patterns respectively," the difference in light-emitting efficiency and brightness level attenuation due to the variability of organic material properties is greatly reduced and the display panel can have a more uniform brightness level.

Addressing the this limitation, the Examiner admitted that it is not disclosed by Urabe, but cited Kobayashi as a second reference to teach this limitation, in which items

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131 are interpreted as cathode lines that are required by the claimed invention.

However, Kobayashi teaches: "[A]s shown in Fig. 5, in the active matrix type organic EL device 1, a plurality of scanning lines 131 ... are provided", and "a scanning signal is supplied to a gate electrode via the scanning line 131" (paragraphs 0086, 0087). From the teachings of Kobayashi, it is concluded that the items 131 are scanning lines connected to gate electrode, rather than as interpreted by the Examiner that are cathode lines electrically connected to the cathode patterns.

Accordingly it is submitted that Urabe, and Kobayashi, taken alone or in combination, fail to teach each and every limitation of the claimed invention. As such, claim 3 is patentable over Urabe, and Kobayashi, and thus should be allowed.

Claim 6 was rejected under 35 U.S.C. 103(a) as being unpatentable over Urabe in view of Fery (2004/0075115).

In response thereto, Applicants submit that claim 6 depend on allowable independent claim 1, and thus should be allowable.

New Claims

Claims 21 and 22 are newly added without entering any new matter and raise no new issue. Claims 21 and 22 depend on allowable independent claim 1, and thus should be allowed.

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CONCLUSION

For at least the foregoing reasons, it is believed that the pending claims 1, 3-8, 21, and 22 are in proper condition for allowance and an action to such effect is earnestly solicited. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

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Respectfully submitted,

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